

House File 2035 - Introduced

HOUSE FILE 2035
BY BELL

A BILL FOR

1 An Act relating to the license or authorization issued to a
2 person who qualifies as a driver education instructor.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.178, subsection 1, paragraphs b and
2 c, Code 2009, are amended to read as follows:

3 b. (1) To be qualified as a classroom driver education
4 instructor, a person shall have satisfied the educational
5 requirements for a teaching license at the elementary or
6 secondary level and hold a valid license to teach driver
7 education in the public schools of this state.

8 (2) (a) Street or highway driving instruction may be
9 provided by a person qualified as a classroom driver education
10 instructor or a person certified by the department and
11 authorized by the board of educational examiners. A person
12 shall not be required to hold a current Iowa teacher or
13 administrator license at the elementary or secondary level or
14 to have satisfied the educational requirements for an Iowa
15 teacher license at the elementary or secondary level in order
16 to be certified by the department or authorized by the board
17 of educational examiners to provide street or highway driving
18 instruction.

19 (b) The department shall adopt rules pursuant to chapter
20 17A to provide for certification of persons qualified to
21 provide street or highway driving instruction. The board of
22 educational examiners shall adopt rules pursuant to chapter
23 17A to provide for authorization of persons certified by the
24 department to provide street or highway driving instruction.

25 (3) A license or authorization issued by the board of
26 educational examiners pursuant to this lettered paragraph shall
27 not be denied, suspended, or revoked solely because a person
28 is involved in a traffic accident if all of the following
29 conditions exist:

30 (a) A police authority responded to the traffic accident.

31 (b) The department or a police authority has identified the
32 site of the traffic accident as a high accident location under
33 certain weather conditions or due to construction and such
34 condition existed at the time of the traffic accident.

35 (c) Two or more parties were cited by the police authority

1 for contributing to the accident.

2 (d) The department certifies to the board of educational
3 examiners that the person has had no other moving violations
4 within the past five years on the person's driving record.

5 (e) The traffic accident did not result in injury to or the
6 death of a person.

7 c. Every public school district in Iowa shall offer or make
8 available to all students residing in the school district or
9 Iowa students attending a nonpublic school in the district an
10 approved course in driver education. The receiving district
11 shall be the school district responsible for making driver
12 education available to a student participating in open
13 enrollment under section 282.18. The courses may be offered
14 at sites other than at the public school, including nonpublic
15 school facilities within the public school districts. An
16 approved course offered during the summer months, on Saturdays,
17 after regular school hours during the regular terms or partly
18 in one term or summer vacation period and partly in the
19 succeeding term or summer vacation period, as the case may
20 be, shall satisfy the requirements of this section to the
21 same extent as an approved course offered during the regular
22 school hours of the school term. A student who successfully
23 completes and obtains certification in an approved course in
24 driver education or an approved course in motorcycle education
25 may, upon proof of such fact, be excused from any field test
26 which the student would otherwise be required to take in
27 demonstrating the student's ability to operate a motor vehicle.
28 A student shall not be excused from any field test if a parent,
29 guardian, or instructor requests that a test be administered.
30 ~~Street or highway driving instruction may be provided by a~~
31 ~~person qualified as a classroom driver education instructor~~
32 ~~or a person certified by the department and authorized by the~~
33 ~~board of educational examiners. A person shall not be required~~
34 ~~to hold a current Iowa teacher or administrator license at~~
35 ~~the elementary or secondary level or to have satisfied the~~

1 ~~educational requirements for an Iowa teacher license at the~~
2 ~~elementary or secondary level in order to be certified by~~
3 ~~the department or authorized by the board of educational~~
4 ~~examiners to provide street or highway driving instruction.~~ A
5 final field test prior to a student's completion of an
6 approved course shall be administered by a person qualified
7 as a classroom driver education instructor. ~~The department~~
8 ~~shall adopt rules pursuant to chapter 17A to provide for~~
9 ~~certification of persons qualified to provide street or highway~~
10 ~~driving instruction. The board of educational examiners~~
11 ~~shall adopt rules pursuant to chapter 17A to provide for~~
12 ~~authorization of persons certified by the department to provide~~
13 ~~street or highway driving instruction.~~

14 EXPLANATION

15 This bill establishes that, when certain conditions exist,
16 the license or authorization that the board of educational
17 examiners issues to persons who are qualified as driver
18 education instructors shall not be denied, suspended,
19 or revoked solely because the applicant or license or
20 authorization holder was involved in a traffic accident.

21 The conditions which must exist include all of the
22 following: law enforcement responded to the traffic accident,
23 authorities have identified the area where the accident
24 occurred as a high accident location, two or more parties were
25 cited for contributing to the accident, the department of
26 transportation certifies to the board of educational examiners
27 that the person has had no other moving violations within
28 the past five years on the person's driving record, and the
29 accident did not result in injury to or the death of a person.